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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,440	09/24/2003	Wayne R. Moore	DP-309034	5541
22851 7590 04/24/2009 DELPHI TECHNOLOGIES, INC. M/C 480-410-202 PO BOX 5052 TROY, MI 48007				
EXAMINER				
NOLAND, THOMAS				
ART UNIT		PAPER NUMBER		
2856				
MAIL DATE		DELIVERY MODE		
04/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10670440	9/24/2003	MOORE, WAYNE R.	DP-309034

DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
PO BOX 5052
TROY, MI 48007

EXAMINER

Thomas P.. Noland

ART UNIT	PAPER
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2856

20090422-A

DATE MAILED:

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Commissioner for Patents

CORRECTIVE ACTION SUPPLEMENTING RESTRICTION REQUIREMENT MAILED APRIL 23, 2009

attachment: Pages 2-3

CORRECTIVE ACTION SUPPLEMENTING THE RESTRICTION REQUIREMENT

1. Inventions Group 4 and Group 1 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because it does not require the sampling tube to be configured to enable fluid communication between the sensing element and an environment external to the outer shield. For instance in Group 4 the substrate could be interior to the outer shield. The subcombination has separate utility such as use in other than an exhaust treatment device or without requiring the use of a substrate.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

2. The Groups are as identified in the earlier mailed remainder of the restriction requirement. This action was made because the relation between Groups 1 and 4 was inadvertently omitted from the remainder of the restriction requirement. The error is regretted. The 1 month shortened statutory response period will be restarted to run from the mailing date of this action.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Noland whose telephone number is (571) 272-2202. The examiner can normally be reached on weekdays from 9:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached on (571) 272-2208.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2800 Customer Service at (571) 272-2815.

**/Thomas P. Noland/
Primary Examiner
Art Unit 2856**

April 24, 2009